

REMARKS

Claim 1, 17, and 34 have been amended. Claims 43, 91, and 96 - 98 have been cancelled herein (and Claims 2 - 8, 10, 12 - 13, 16, 19, 25 - 27, 29 - 33, 35 - 36, 38 - 42, 44 - 89, and 92 - 95 have been previously cancelled from the application). Claims 99 - 115 have been added. No new matter has been introduced with these amendments or added claims, all of which are supported in the specification as originally filed. Claims 1, 9, 11, 14 - 15, 17 - 18, 20 - 24, 28, 34, 37, 90, and 99 - 115 are now in the application.

I. Rejection Under 35 U. S. C. §112, second paragraph

Paragraph 4 of the Office Action dated September 1, 2006 (hereinafter, "the Office Action") states that Claims 1, 9, 11, 14 - 15, 17 - 18, 20 - 24, 28 and 90 are rejected under 35 U. S. C. §112, second paragraph, as being indefinite. Appropriate corrections have been made herein to independent Claim 1.

Paragraph 5 of the Office Action states that Claims 96 - 98 are also rejected under 35 U. S. C. §112, second paragraph, as being indefinite. These claims have been cancelled from the application, rendering the rejection moot as to those claims.

In view of the above, the Examiner is respectfully requested to withdraw the §112, second paragraph rejection.

II. Rejection Under 35 U. S. C. §102(a)

Paragraph 7 of the Office Action states that Claims 34 and 37 are rejected under 35 U.S.C. §102(a) as being anticipated by U. S. Patent 6,975,988 B1 to Roth. This rejection is respectfully traversed.

Applicants have amended independent Claim 34 herein to clarify limitations thereof. As now presented, lines 4 - 6 of Claim 34 recite “identifying, by the caller using the telephone device during the step of creating the voice mail message, a plurality of message segments for segmenting the voice mail message;” (emphasis added). Applicants respectfully submit that Roth has no teaching, nor any suggestion, of a caller identifying voice message segments using the telephone device. Accordingly, Applicants respectfully submit that Claim 34 is not anticipated by Roth. Dependent Claim 37 therefore deemed patentable by virtue of (*inter alia*) the patentability of Claim 34, from which it depends.

Furthermore, Applicants submit herewith a Declaration of Fact Under 37 C.F.R. §1.131 from all of the named inventors. This declaration demonstrates that the parent application, from which the claimed invention claims priority, was conceived and reduced to practice prior to November 10, 2000, the priority date of Roth. Accordingly, Applicants submit that the declaration overcomes the §102 rejection based on Roth pursuant to MPEP 715.02.

In view of the above, the Examiner is respectfully requested to withdraw the §102 rejection.

III. Rejection Under 35 U. S. C. §103(a)

Paragraph 10 of the Office Action states that Claims 96 - 98 are rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent 6,407,325 to Yi. These claims have been cancelled from the application, rendering this rejection moot.

IV. Allowable Subject Matter

Paragraph 11 of the Office Action states that Claims 1, 9, 11, 14 - 15, 17 - 18, 20 - 24, 28 and 90 would be allowable if amended to overcome the 35 U. S. C. §112, second paragraph rejection. As noted above, corrections have been made to Claim 1, and Applicants respectfully submit that, with these corrections, Claims 1, 9, 11, 14 - 15, 17 - 18, 20 - 24, 28 and 90 are allowable.

V. Added Claims

Applicants have added Claims 99 - 115. Dependent Claim 99 is deemed patentable by virtue of (at least) the allowability of Claim 1, from which it depends. Independent Claim 100 is a system claim that specifies limitations analogous to those of allowable method Claim 1, and independent Claim 111 is a computer program product specifying analogous limitations. Accordingly, Claims 100 and 111 are deemed patentable over the references. Added independent Claim 114 is a system claim that specifies limitations analogous to those in independent Claim 34, and is deemed patentable for the same reasons discussed above with regard to Claim 34.

VI. Terminal Disclaimer

Applicants submit herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection in view of the parent application 09/782,773, now issued as Patent No. 7,003,083 B2.

VII. Conclusion

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,

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